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Agenda item 6

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND OF APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII)

Mr. Bossuyt, Ms. Chavez, Mrs. Koufa, Mr. Eide, Mrs. Gwanmesia, Mr. Decaux and Ms. Palley: draft resolution

Situation in East Timor

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the universally accepted rules of international humanitarian law,

Bearing in mind General Assembly resolution 37/30 of 23 November 1982 and Security Council resolutions 384 (1975) of 22 December 1975 and 389 (1976) of 22 April 1976,

Recalling the statements agreed by consensus by the Commission on Human Rights at its forty-eighth and fiftieth sessions (E/1992/22, para. 457 and E/1994/24, para. 482) and resolution 1993/97 of 11 March 1993 adopted by the Commission at its forty-ninth session,

Recalling also its resolutions 1982/20 of 8 September 1982, 1983/26 of 6 September 1983, 1984/24 of 29 August 1984, 1987/13 of 2 September 1987, 1989/7 of 31 August 1989, 1990/15 of 30 August 1990, 1992/20 of 27 August 1992 and 1993/12 of 20 August 1993, as well as the statement made by the Chairman at its forty-third session on the question of the situation in East Timor,

Having examined the note by the secretariat on the situation in East Timor (E/CN.4/Sub.2/1994/14 And Add.1),

Noting with satisfaction the greater access given to East Timor and the visit made by the Special Rapporteur on extrajudicial, summary or arbitrary executions,

Disturbed by reports of continuing violations of human rights in East Timor, including in particular the detention, imprisonment and ill-treatment of persons engaged in the peaceful exercise of their rights and freedoms, such as the freedom of opinion and expression, as well as by reports of forcible removal of prisoners from their original place of residence to serve jail sentences in parts of Indonesia in contravention of international humanitarian law,

1. Expresses its deep concern at reports of continuing violations of human rights in East Timor;

2. Notes with satisfaction the greater access to East Timor and the visit made by the Special Rapporteur on extrajudicial, summary or arbitrary executions;

3. Urges the Indonesian authorities to implement fully the decisions of the Commission on Human Rights as contained in the consensus statements made by the Commission at its forty-eighth and fiftieth sessions and in resolution 1993/97 of 11 March 1993, adopted by the Commission at its forty-ninth session;

4. Also urges the Indonesian authorities to honour the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, regarding the prohibition on removing prisoners from their original place of residence;

5. Decides to consider at its forty-seventh session the situation pertaining to human rights and fundamental freedoms in East Timor, and for this purpose requests the secretariat to transmit to it all relevant information received.

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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND OF APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII)

Mr. Bossuyt, Ms. Chavez, Mr. Eide and Ms. Palley: draft resolution

Situation in the Middle East

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Noting General Assembly resolution 48/58 of 14 December 1993, Commission on Human Rights resolution 1994/4 of 18 February 1994 and Economic and Social Council resolution 1994/44 of 29 July 1994,

Recalling the convening of the International Peace Conference on the Middle East at Madrid on 30 October 1991, on the basis of Security Council resolutions 242 (1967) of 22 November 1967 and 338 (1973) of 22 October 1973, and the subsequent bilateral negotiations, as well as the meetings of the multilateral working groups,

Noting with satisfaction the broad international support for the peace process and its contribution to the implementation and furtherance of human rights in the area,

Welcoming the Declaration of Principles on Interim Self-Government Arrangements, signed by the Government of Israel and the Palestine Liberation Organization in Washington, D.C., on 13 September 1993, and the subsequent agreement on the Gaza Strip and the Jericho area, signed by the Government of Israel and the Palestine Liberation Organization, the representative of the Palestinian people, at Cairo on 4 May 1994,

1. Reaffirms that the achievement of a comprehensive, just and lasting peace in the Middle East is essential for the implementation and furtherance of human rights and fundamental freedoms in the area;

2. Welcomes the peace process begun at Madrid and warmly supports the subsequent bilateral negotiations through which it has been continued;

3. Endorses the achievements of the peace process to date, which constitute important initial steps in achieving a comprehensive, just and lasting peace in the Middle East, and urges all parties to implement the agreements which have been reached;

4. Emphasizes the importance of making progress, as a matter of urgency, on the other tracks of the Arab-Israeli negotiations within the peace process;

5. Supports the request by the Economic and Social Council that all States Members of the United Nations render support for the peace process and extend economic, financial and technical assistance to parties in the region, taking into account, in particular, the needs of the Palestinian people during the interim period;

6. Expresses its full support for the active role which the United Nations is playing in the peace process, and in particular for its assistance in implementing the Declaration of Principles of Interim Self-Government signed by the State of Israel and the Palestine Liberation Organization, which constitutes a positive contribution to the protection of human rights in the Middle East.

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Agenda item 4

REVIEW OF FURTHER DEVELOPMENTS IN FIELDS WITH WHICH
THE SUB-COMMISSION HAS BEEN CONCERNED

Mr. Bossuyt, Ms. Chavez, Mrs. Daes, Mr. Eide, Mr. Hatano,
Mr. Joinet, Ms. Palley and Mr. Yimer: draft resolution

Minimum Humanitarian Standards

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Appalled by the massive violations of human rights and humanitarian law in recent conflicts, particularly those in Bosnia and Rwanda,

Considering that situations of internal violence, disturbances, tensions and public emergencies continue to cause serious instability and great suffering in all parts of the world,

Emphasizing that all persons, groups and public authorities should observe and themselves benefit from respect for the principles of international law derived from human rights, humanitarian law and established custom, including the principles of humanity and the dictates of public conscience,

Conscious of the need to reaffirm and develop principles governing the behaviour of all persons, groups and public authorities in situations of public emergency,

Observing that the Commission on Human Rights in recent years has dealt extensively with situations of massive violations of humanitarian principles, particularly during the special sessions on the former Yugoslavia and on Rwanda, making it desirable to achieve further clarification of international standards in this field,

Having considered, at its forty-third session, the Declaration of Minimum Humanitarian Standards, adopted by a group of experts at a meeting in Turku (Åbo), Finland, in December 1990 (E/CN.4/Sub.2/1991/55),

Noting that the Declaration, having been adopted by a group of experts, does not in itself constitute an international legal instrument but aims at the reaffirmation and progressive development of international law,

1. Decides to transmit the text of the Declaration of Minimum Humanitarian Standards to the Commission on Human Rights;

2. Recommends that the Commission examine the Declaration with a view to its further elaboration and eventual adoption.

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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND OF APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII)

Mr. Bossuyt, Mr. Boutkevitch, Ms. Chavez, Mr. Chernichenko, Ms. Koufa, Mr. Eide, Mr. Joinet, Mr. Fix Zamudio, Mr. Maxim and Ms. Palley: draft resolution

Situation of human rights in Iraq

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Recalling the Vienna Declaration and Programme of Action (A/CONF.157/23), endorsed by the General Assembly in its resolution 48/121 of 20 December 1993, and in particular part I, paragraph 1, which reaffirms inter alia, that human rights and fundamental freedoms are the birthright of all human beings and that their protection and promotion is the first responsibility of Governments,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under the various international instruments in this field,

Mindful that Iraq is a party to the International Covenants on Human Rights and to other human rights instruments,

Recalling Security Council resolution 688 (1991) of 5 April 1991, in which the Council demanded an end to the repression of the Iraqi civilian population and insisted that Iraq cooperate with humanitarian organizations to ensure that the human and political rights of all Iraqi citizens were respected,

Recalling also Security Council resolutions 706 (1991) of 15 August 1991 and 712 (1991) of 19 September 1991,

Mindful that the United Nations has not yet sent a fact-finding mission to the marshlands region of southern Iraq,

Recalling in particular its resolution 1993/20 of 20 August 1994, in which it condemned the violations of human rights by the Government of Iraq and urged the implementation of Security Council resolution 688 (1991) of 5 April 1991, in which the Council demanded an end to the repression of Iraqi civilian population,

Deeply concerned by recent information that the population continues to flee the marshlands region, that thousands of Arab Shiah have sought refuge on the border between Iraq and the Islamic Republic of Iran because of artillery bombardment and the programme undertaken by the Iraqi Government to drain the southern marshlands, and that, in July 1994, over 1,300 women and children arrived at the border in a miserable condition, especially regarding health, and have received no assistance from the international community,

Deeply concerned also by the continued massive repression of the Arab Shiah population in the south of Iraq, particularly those who are under siege by the Iraqi armed forces there,

Disturbed by the possibility of a continued exodus of these populations, both to the border area and within Iraq itself,

Concerned that the electricity supply to large cities in Iraqi Kurdestan in the north has been cut off since August 1993, and that recently the electricity supply to large cities in the south has been reduced to two hours daily, causing more suffering for the population,

Deeply concerned about the continuing terrorist acts of the Iraqi Government, both inside and outside the country, against opposition leaders and United Nations personnel,

Deeply concerned also that Iraq still refuses to cooperate with the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Iraq, Mr. van der Stoel, and to permit him to visit Iraq to investigate human rights violations and refuses categorically to introduce a monitoring system, as had twice been requested by the General Assembly and the Commission on Human Rights,

Recalling the report of the Special Rapporteur on the situation of human rights in Iraq (E/CN.4/1994/58), in which he notes the continued massive and grave violations of human rights by the Government of Iraq, such as summary and arbitrary executions, torture and other cruel, inhuman or degrading treatment, enforced or involuntary disappearances, arbitrary arrest and detention, lack of due process and the rule of law and of freedom of thought, expression and association, as well as the existence of specific and serious discrimination within the country in terms of access to food and health care,

Noting that many international organizations and media have described the negative impact of the international embargo on the civilian population, especially the most vulnerable groups,

Deeply concerned by the internal embargo maintained by the Government against the Kurdish population in the north of Iraq and the Arab Shiah population in the southern marshlands,

1. Expresses its concern at the exceptional gravity of the human rights situation in Iraq and, therefore, welcomes the proposal of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Iraq, contained in his report (E/CN.4/1994/58), that human rights monitors be deployed;

2. Calls upon the Government of Iraq immediately to halt its artillery bombardment, to cease all draining schemes and destruction of the marshes and to lift the internal embargo imposed in October 1991 on the populations of the marshlands;

3. Appeals once again to the international community as a whole and to all Governments, including that of Iraq, to facilitate the supply of food and medicines to the civilian population;

4. Calls upon the Government of Iraq to cease its internal embargo against the north and the Shiah populations in the south, both areas which are still under siege, and to re-establish the electricity supply to both regions;

5. Also calls upon the Government of Iraq to cease its terrorist acts against opposition leaders and United Nations personnel;

6. Further calls upon the Government of Iraq to abide by Security Council resolutions 706 (1991) of 15 August 1991 and 712 (1991) of 19 September 1991, which permit the Government of Iraq to sell oil to finance humanitarian assistance for the Iraqi people;

7. Requests the United Nations humanitarian organizations concerned to speed up the delivery of aid to the persons who have sought refuge on the Border between Iraq and the Islamic Republic of Iran, and to ensure that their food and medical needs are satisfied;

8. Urges the Special Rapporteur on the situation of human rights in Iraq to visit the border and the marshlands and to report his findings to the General Assembly;

9. Requests the Secretary-General to provide all necessary assistance to the Special Rapporteur to undertake his mission;

10. Also requests the Secretary-General to call upon the Government of Iraq to cooperate with the Special Rapporteur;

11. Urges the implementation of Security Council resolution 688 (1991) of 5 April 1991 and of the recommendations of the Special Rapporteur to station permanent monitors in the area of the marshlands and establish permanent aid centres;

12. Condemns the violation of human rights by the Government of Iraq and decides to keep the situation of human rights in Iraq under review at future sessions of the Sub-Commission.

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REVIEW OF FURTHER DEVELOPMENTS IN FIELDS WITH WHICH THE SUB-COMMISSION HAS BEEN CONCERNED

Mr. Alfonso Martínez, Mr. Boutkevitch, Mr. Chernichenko, Mrs. Daes, Mr. Fan, Mrs. Forero Ucros, Mr. Guissé, Mrs. Gwanmesia, Mr. Hatano, Mr. Hakim, Mr. Joinet, Mr. Khan, Mr. Maxim, Ms. Palley, Mr. Ramadhane, Ms. Warzazi and Mr. Yimer: draft resolution

Human Rights and the environment

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolution 1990/7 of 30 August 1990, in which it entrusted Mrs. Fatma Zohra Ksentini with the task of undertaking a study on human rights and the environment,

Recalling also Commission on Human Rights resolution 1994/65 of 5 March 1994, in which the Commission endorsed the request of the Sub-Commission that the Special Rapporteur include in her final report recommendations for follow-up by the Commission of her work,

Having examined the final report, including the annexes, prepared by the Special Rapporteur (E/CN.4/Sub.2/1994/9),

Convinced that continued work on human rights and the environment is essential for the full realization of human rights and fundamental freedoms,

1. Expresses its deepest appreciation to the Special Rapporteur, Mrs. Fatma Zohra Ksentini, for her comprehensive and profound final report on human rights and the environment;

2. Welcomes especially the conclusions and recommendations contained in the final report, as well as the draft principles on human rights and the environment;

3. Decides to transmit the final report to the Commission on Human Rights for its consideration, with a view to its publication and widest possible dissemination;

4. Invites the Commission on Human Rights to pay particular attention to the conclusions and recommendations contained in the report, taking into account its resolution 1994/65 of 5 March 1994 and the comments and observations made at the forty-sixth session of the Sub-Commission;

5. Recommends the following draft resolution to the Commission on Human Rights for adoption:

"The Commission on Human Rights,

Taking account of its resolution 1994/65 of 9 March 1994,

Taking account also of resolution 1994/ ... of ... August 1994 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Having considered the final report of the Special Rapporteur on human rights and the environment (E/CN.4/Sub.2/1994/9),

1. Expresses its deepest appreciation to the Special Rapporteur, Mrs. Fatma Zohra Ksentini, for her final report on human rights and the environment;

2. Requests that the Special Rapporteur's final report, with the annexes, be published by the United Nations in all the official languages;

3. Decides to appoint a special rapporteur on human rights and the environment with a mandate to:

(a) Monitor, examine and receive communications and to make recommendations on environmental problems affecting the full enjoyment of human rights;

(b) Seek comments on the draft principles on human rights and the environment annexed to the final report of the Special Rapporteur of the Sub-Commission and to make recommendations regarding the draft;

4. Requests the Special Rapporteur to submit a report to the Commission at its fifty-second session;

5. Requests the Secretary-General to provide the Special Rapporteur with all necessary assistance;

6. Recommends the following draft decision to the Economic and Social Council for adoption:

> 'The Economic and Social Council, taking note of Commission on Human Rights resolution 1995/ ... of ... 1995, decides to endorse the Commission's decision to appoint a special rapporteur on human rights and the environment, the Commission's request to the Secretary-General to provide the Special Rapporteur with all necessary assistance and the Commission's request that the final report of the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on human rights and the environment (E/CN.4/Sub.2/1994/9) be published by the United Nations in all the official languages.'"

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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND OF APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII)

Ms. Chavez, Mrs. Koufa, Mrs. Gwanmesia and Ms. Palley:
draft resolution

Situation in Indonesia

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the Geneva Conventions of August 1949 on the protection of war victims, and other relevant international human rights instruments,

Noting the reports of the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1994/26 and Corr. 1 and 2), the Working Group on Arbitrary Detention (E/CN.4/1994/27), the Special Rapporteur on extrajudicial, summary, or arbitrary executions (E/CN.4/1994/7 and Add.1 and 2 and Corr.1 and 2), and the Special Rapporteur on torture or other forms of cruel, inhuman, or degrading punishment (E/CN.4/1994/31),

Reaffirming that all persons who commit or authorize violations of human rights or international humanitarian law are individually responsible for those violations,

Taking account of the progress report by the Special Rapporteur on the human rights dimensions of population transfer, including the implantation of settlers, Mr. A.S. Al-Khasawneh (E/CN.4/Sub.2/1994/18 and Corr.1) and the preliminary report by the Special Rapporteurs, Mr. Al-Khasawneh and Mr. R. Hatano (E/CN.4/Sub.2/1993/17 and Corr.1), which found that population transfer is, prima facie, unlawful and violates rights affirmed in human rights and humanitarian law,

1. Expresses its deepest concern at reports of continuing violations of human rights in West Papua, the Aceh region of Sumatra and the Moluccas;

2. Expresses its alarm at all repressive policies and practices directed against particular ethnic groups, and calls upon the Government of Indonesia to ensure the protection of the rights of all peoples and individuals regardless of their national or ethnic, religious or linguistic identity;

3. Condemns population transfer and settlement ("transmigration") in West Papua and other regions as a violation of the human rights of the peoples concerned;

4. Calls upon all Governments, specialized agencies and multilateral financial institutions to refrain from supporting, with financial or technical assistance, population transfer and settlement in the above regions;

5. Urges the Government of Indonesia to permit representatives of non-governmental organizations concerned with human rights and journalists to visit these regions freely;

6. Requests the High Commissioner for Human Rights to monitor the situation in West Papua, the Aceh region of Sumatra and the Moluccas and to report his observations to the Sub-Commission at its forty-seventh session.

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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND OF APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII)

Ms. Chavez, Mr. Chernichenko, Mrs. Daes, Mr. El-Hajjé, Mrs. Forero Ucros, Ms. Palley and Ms. Warzazi: draft resolution

Violation of the human rights of staff members of the United Nations system and other persons acting under the authority of the United Nations

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Gravely concerned that staff members of the United Nations system and other persons acting under the authority of the United Nations continue to be detained, unaccounted for, threatened or subjected to other violations of their fundamental rights contrary to the Charter of the United Nations and other international instruments,

Particularly preoccupied by the increasing number of peace-keepers and peace-makers, civilian staff, both international and local, being killed during various United Nations missions,

Recalling the relevant resolutions on this subject, in particular General Assembly resolutions 45/240 of 21 December 1990 and 47/28 of 25 November 1992, Commission on Human Rights resolutions 1991/37 of 5 March 1991, 1992/26 of 28 February 1992, 1993/39 of 5 March 1993 and 1994/42 of 4 March 1994 and Sub-Commission resolutions 1990/20 of 30 August 1990, 1991/17 of 28 August 1991 and 1992/24 of 27 August 1992,

Recalling once again the recommendations contained in the report of the Special Rapporteur, Mrs. Mary Concepcion Bautista, (E/CN.4/Sub.2/1992/19), aiming at improving the protection of personnel of the United Nations system and their families, as well as of experts and consultants,

Referring to the proposals contained in the report of the Secretary-General of 27 August 1993, on the security of United Nations operations (A/48/349-S/26358),

Aware that human rights violations of its personnel can only have a negative effect on the implementation of the mandates of the organizations and bodies of the United Nations system, especially at a time when the United Nations is undertaking greater responsibilities and sending difficult missions to various parts of the world,

Greatly appreciating the efforts of the Secretary-General to promote a satisfactory resolution of all cases of this kind, and noting with interest Security Council resolution 868 (1993) of 29 September 1993 in which the Council urged States and parties to a conflict to cooperate closely with the United Nations to ensure the security of United Nations forces and personnel,

Recalling the Advisory Opinion of the International Court of Justice of 1949 on the responsibility of States Members for the security of United Nations staff members,

Taking note with satisfaction of General Assembly resolution 48/37 of 9 December 1993, in which the Assembly decided to establish an ad hoc committee, open to all Member States, to elaborate an international convention dealing with the safety and security of United Nations and associated personnel, with particular reference to responsibility for attacks on such personnel,

1. Urges again Governments and other entities holding de facto territorial power to respect and to ensure respect for the rights of staff

members and other persons acting under the authority of the United Nations, as well as of their families, and to take the necessary measures to ensure the protection of United Nations and associated personnel in their territory;

2. Requests the Secretary-General to continue his efforts to ensure that the human rights, privileges and immunities of the personnel of the United Nations system, including experts, and their families, are fully respected and to seek redress and compensation for the damage caused to them and to their organizations, as well as their full reintegration and re-education;

3. Also requests the Secretary-General to take steps to ensure the implementation of the recommendations contained in the report of the Special Rapporteur of the Sub-Commission, Mrs. Mary Concepcion Bautista, on the protection of the human rights of United Nations staff members, experts and their families (E/CN.4/Sub.2/1992/19), as well as of the proposals made in his report of 27 August 1993 on the security of United Nations operations (A/48/349-S/26358);

4. Urges Governments and other entities holding de facto territorial power, in accordance with the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment adopted by the General Assembly in its resolution 43/173 of 9 December 1988, to provide adequate and prompt information concerning the arrest or detention of United Nations staff members and their families, and to grant the representative of the competent international organization access to them without delay;

5. Calls upon the existing human rights mechanisms, such as the Working Group on Arbitrary Detention, the Working Group on Enforced or Involuntary Disappearances, the Special Rapporteur on the question of torture and the Special Rapporteur on extrajudicial, summary or arbitrary executions to examine the cases involving the human rights of staff members of the United Nations system and of their families, as well as of experts and consultants, and to transmit the relevant part of their respective reports to the Secretary-General for him to include in his report to the Commission on Human Rights;

6. Welcomes the decision of the General Assembly, contained in its resolution 48/37 of 9 December 1993, to establish an ad hoc committee to elaborate an international convention dealing with the safety and security of

United Nations and associated personnel, with particular reference to responsibility for attacks on such personnel, and expresses the hope that this convention will be adopted as soon as possible;

7. Recommends that the Commission on Human Rights continue to keep under review the human rights situation of staff members of the United Nations system and other persons acting under the authority of the United Nations.

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Agenda item 8

THE REALIZATION OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Mr. Alfonso Martínez, Mr. Chernichenko, Mr. Eide, Mr. Hakim,
Mr. Khalil, Mr. Khan, Mr. Maxim, Ms. Palley, Mr. Ramadhane
and Mr. Yimer: draft resolution

Promoting the realization of the right to adequate housing

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Reaffirming the right of every woman, man and child to a safe and secure place to live in peace and dignity,

Deeply concerned that in excess of one billion persons who remain homeless or inadequately housed throughout the world, and have yet to attain their legitimate rights to adequate housing,

Convinced of the continuing and urgent need for renewed attention and commitment by all relevant actors to the human right to adequate housing,

Recalling Commission on Human Rights decision 1993/103 of 4 March 1993,

Recalling also Commission on Human Rights resolution 1994/14 of 25 February 1994,

Recalling further its resolutions 1993/36 of 25 August 1993, 1992/26 of 27 August 1992 and 1991/26 of 29 August 1991,

1. Expresses its appreciation to the Special Rapporteur on the right to adequate housing, Mr. Rajindar Sachar, for his second progress report (E/CN.4/Sub.2/1994/20);

2. Welcomes the preliminary recommendations and conclusions contained in the second progress report (chap. X) addressed to both the United Nations system and to Governments and urges the respective entities to implement the relevant recommendations in a timely fashion;

3. Takes note with interest of the draft international convention on housing rights contained in the second progress report (chap. IX);

4. Invites States, United Nations specialized and other agencies, international and regional intergovernmental organizations, and non-governmental and community-based organizations to provide the Special Rapporteur with their views and comments on all aspects of the right to adequate housing, in particular the draft international convention on housing rights, for consideration in the preparation of his final report;

5. Encourages the Preparatory Committee for the World Summit for Social Development, to be held in March 1995, to take full account in its agenda and plan of action of the views of the Special Rapporteur on the right to adequate housing and ongoing activities of the United Nations concerning housing rights;

6. Encourages the Preparatory Committee for the United Nations Conference on Human Settlements (Habitat II), to be held in 1996, to take full account in its agenda and plan of action of the views of the Special Rapporteur on the right to adequate housing and ongoing activities of the United Nations concerning housing rights, and to undertake specific activities with regard to the agenda and plan of action on the human right to adequate housing within the context of Habitat II;

7. Invites the United Nations Centre on Human Settlements (Habitat) to consider implementing the proposals made to it by the Special Rapporteur in his second progress report (paras. 88-90);

8. Requests the Special Rapporteur to submit his final report on the right to adequate housing to the Sub-Commission at its forty-seventh session;

9. Requests the Secretary-General to provide the Special Rapporteur with all the assistance he requires for the preparation of his final report, and in particular the necessary expert assistance to compile and analyse the information and documents he receives;

10. Also requests the Secretary-General to organize an expert seminar on the right to adequate housing, prior to the completion of his final report, in order to discuss appropriate, effective and comprehensive conclusions and recommendations;

11. Decides to consider the final report and to develop a series of concrete measures based upon it at its forty-seventh session under the agenda item entitled "The realization of economic, social and cultural rights";

12. Recommends the following draft resolution to the Commission on Human Rights for adoption:

"The Commission on Human Rights,

Taking note of resolution 1994/... of ... August 1994 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolution 1994/14 of 25 February 1994,

Also recalling its decision 1993/103 of 4 March 1993,

Welcoming the second progress report of the Special Rapporteur on the right to adequate housing (E/CN.4/Sub.2/1994/20),

1. Invites the Special Rapporteur to submit his final report to the Sub-Commission at its forty-seventh session;

2. Requests the Secretary-General to provide the Special Rapporteur with all the necessary financial, technical and expert assistance required for the completion of his final report;

3. Also requests the Secretary-General to organize an expert seminar on the human right to adequate housing in order to discuss appropriate, effective and comprehensive final conclusions and recommendations for inclusion in the final report;

4. Recommends the following draft decision to the Economic and Social Council for adoption:

'The Economic and Social Council, taking note of Commission on Human Rights resolution 1995/... of ... 1995 and

resolution 1994/... of ... August 1994 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities:

(a) Approves the Commission's request to the Secretary-General to provide the Special Rapporteur of the Sub-Commission on the right to adequate housing with all the necessary financial, technical and, in particular, expert assistance required for the completion of his final report;

(b) Also approves the Commission's request to the Secretary-General to organize an expert seminar on promoting the full realization of the right to adequate housing in order to discuss appropriate, effective and comprehensive conclusions and recommendations for inclusion in the final report of the Special Rapporteur.'"

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COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Forty-sixth session
Agenda item 6

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND OF APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII)

Mr. Bengoa, Mr. Bossuyt, Ms. Chavez, Mr. Chernichenko, Mr. Eide, Mrs. Gwanmesia, Mr. Limón Rojas, Mr. Maxim and Ms. Palley:
draft resolution

Situation of human rights in the Islamic Republic of Iran

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its relevant resolutions, including the most recent, resolution 1993/14 of 23 August 1993, calling for an end to the violation of human rights by the Islamic Republic of Iran,

Recalling also relevant resolutions of the Commission on Human Rights, including the most recent, resolution 1994/73 of 9 March 1994, as well as those of the General Assembly, including the most recent, resolution 48/145 of 20 December 1993,

Deeply concerned at extensive and continuing human rights violations by the Government of the Islamic Republic of Iran, including arbitrary and summary executions, torture and inhuman and degrading treatment and punishment, arbitrary arrests and imprisonment, unexplained disappearances, the absence of guarantees essential for the protection of the right to a fair trial and disregard for freedom of expression and freedom of religion,

Shocked by the systematic repression of the Baha'i community and at the situation of the Iranian Kurds and the Arab minority in Iran, and at increasing intolerance towards Christians, including recent murders of Christian religious ministers,

Appalled at the continued repression of women in the Islamic Republic of Iran, including the practice of gender-based discrimination and the use of unacceptable and unjustifiable means of punishment,

Aware of the mounting concern expressed by the authorities of a number of States at the involvement in, and support for, international terrorism by the Islamic Republic of Iran, causing the loss of many lives, and the call by those authorities for action against the aforesaid Republic,

Reaffirming that Governments are accountable for attacks by their agents against persons on the territory of another State, and also for inciting, approving or condoning such acts,

Welcoming the recommendations contained in the report of the Special Representative of the Commission on Human Rights (E/CN.4/1994/50) and the decision of the Commission to continue the Special Representative's mandate,

Expressing its profound regret that the Government of the Islamic Republic of Iran has refused to allow the Special Representative of the Commission to make a further visit to Iran,

Also regretting that the Government of the Islamic Republic of Iran refuses to implement existing agreements with international humanitarian organizations,

Affirming that human rights are universal and indivisible and that the violation of internationally recognized human rights standards cannot be justified by cultural or religious considerations,

1. Endorses the call by the Special Representative of the Commission on Human Rights for the Government of the Islamic Republic of Iran to address the issues covered in his report (E/CN.4/1994/50) and to take urgent and effective action to improve its record in the field of human rights;

2. Condemns the flagrant violations of human rights in the Islamic Republic of Iran which, as noted by the Special Representative of the Commission include:

(a) Excessive use of the death penalty;

(b) Numerous cases of torture and cruel, inhuman or degrading treatment and punishment;

(c) A failure to meet international standards with regard to due process and the administration of justice;

(d) Religious discrimination, notably against the Baha'is and Christian individuals and groups;

(e) Discrimination against women;

(f) Restrictions on freedom of expression and freedom of opinion and undue limitation of freedom of the press;

(g) The use of excessive force in suppressing public demonstrations, as at Ghazvin, followed in some cases by execution without due process of persons involved in such demonstrations, notably at Zahedan;

3. Demands that the Government of the Islamic Republic of Iran cease forthwith any involvement in or toleration of murder and State-sponsored terrorism against Iranians living abroad and the nationals of other States;

4. Also demands that the Government of the Islamic Republic of Iran withdraw its support for and condoning of repeated threats to the lives of persons of whose opinions, writings or publications it disapproves;

5. Calls upon the Government of the Islamic Republic of Iran to cooperate with the judicial authorities in countries around the world which are investigating incidents of international terrorism, and in particular to return for trial in Switzerland two persons accused of the murder of Professor Kazem Rajavi who were returned to Iran and who are sought by the Swiss judicial authorities;

6. Urges the Government of the Islamic Republic of Iran to comply with all current international norms in the field of human rights, including in particular those contained in the International Covenant on Civil and Political Rights, to which the Islamic Republic of Iran is a party;

7. Strongly supports the view of the Commission on Human Rights that the international monitoring of the human rights situation in the Islamic Republic of Iran should be continued;

8. Requests the Secretary-General to continue to keep the Sub-Commission informed of relevant reports and United Nations measures to prevent human rights violations in the Islamic Republic of Iran, including, in particular, those concerning the situation of the Kurds and the Arab minority and the religious freedoms of the Baha'i and Christian communities in Iran;

9. Decides to consider further the situation of human rights in the Islamic Republic of Iran at its forty-seventh session.

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Forty-sixth session
Agenda item 10

ADMINISTRATION OF JUSTICE AND THE HUMAN RIGHTS OF DETAINEES

Mr. Bengoa, Mr. Bossuyt, Mrs. Chavez, Mrs. Daes, Mr. Decaux, Mr. El-Hajjé, Mr. Fan, Mrs. Forero Ucros, Mr. Guissé, Mr. Hakim, Mr. Hatano, Mr. Khalil, Mr. Fix Zamudio, Mr. Lindgren Alves, Mr. Ramadhane, Mrs. Warzazi and Mr. Yimer: draft resolution

Question of the impunity of perpetrators of violations of human rights

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the principles enshrined in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, other relevant human rights instruments and the Geneva Conventions of 12 August 1949,

Recalling the interdependence and indivisibility of civil and political rights and economic, social and cultural rights,

Convinced that the increasingly widespread practice worldwide of impunity for perpetrators of violations of human rights is a fundamental obstacle to the observance of human rights,

Recalling its resolution 1992/23 of 27 August 1992, in which it decided to request Mr. El Hadji Guissé and Mr. Louis Joinet to draft a study on the impunity of perpetrators of violations of human rights, and Commission on Human Rights resolution 1993/43 of 5 March 193, in which the Commission endorsed the decision of the Sub-Commission,

Recalling further its resolution 1993/37 of 26 August 1993 and Commission on Human Rights resolution 1994/44 of 4 March 1994,

Bearing in mind paragraph II.91 of the Vienna Declaration and Programme of Action (A/CONF.157/23), in which the World Conference on Human Rights supported the efforts of the Commission and the Sub-Commission to intensify opposition to the impunity of perpetrators of serious violations of human rights,

1. Welcomes with satisfaction the preliminary report (E/CN.4/Sub.2/1994/11) on the question of the impunity of perpetrators of violations of human rights (economic, social and cultural rights);

2. Decides, in order to facilitate the treatment of the question, to entrust Mr. Joinet with the completion of the first aspect, concerning civil and political rights, and Mr. Guissé with the second aspect, concerning economic, social and cultural rights;

3. Requests the Special Rapporteurs to submit their respective reports to the Sub-Commission at its forty-seventh session;

4. Requests the Secretary-General to provide the Special Rapporteurs with any assistance required to enable them to discharge their task;

5. Invites Governments, competent bodies of the United Nations, the specialized agencies, regional intergovernmental organizations and non-governmental organizations to provide or continue to provide information on the question;

6. Decides to consider the question of the impunity of perpetrators of violations of human rights at its forty-seventh session under the agenda item entitled "The administration of justice and the human rights of detainees".